



MILPITAS PLANNING COMMISSION AGENDA REPORT

Meeting Date: February 27, 2008

UNFINISHED BUSINESS

APPLICATION:	ADMINISTRATIVE PERMIT NO.AD2007-8: A REQUEST TO CONSIDER THE REVOCATION OR MODIFICATION OF USE PERMIT NO. UP2004- 15 TO THE CITY COUNCIL FOR NON- COMPLIANCE WITH SPECIAL CONDITON OF APPROVAL, (AVIS RENTAL CAR)
APPLICATION SUMMARY:	Review of Conditional Use Permit Special Conditions
LOCATION:	148 W. Calaveras Blvd. (APN: 022-24-037)
APPLICANT:	Avis Rental Car
OWNER:	Calaveras Square, 3645 Warner Drive, San Jose, CA 95127 Attn: Sam Lacorte
RECOMMENDATION:	Staff recommends that the Planning Commission: <ol style="list-style-type: none">1. Note Receipt and File.2. Direct staff to report back to the Planning Commission if any future code or parking violations exist at the site as it relates to the Avis Rental Car business operations.
PROJECT DATA:	
General Plan/	
Zoning Designation:	General Commercial /General Commercial
Overlay District:	with Office and "S" Zone Overlays (C-2-00-S)
Specific Plan:	N/A
Site Area:	Multi-Tenant Shopping Center
Any other pertinent info:	Agenda Sent To: Kevin P. Montee and Tom Olsson
CEQA Determination:	N/A
PLANNER:	Felix Reliford, Principal Housing Planner
PJ:	No. 2376
ATTACHMENTS:	N/A

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BACKGROUND

At its meeting on August 22, 2007, the Planning Commission continued this item for six (6) months to allow staff the opportunity to monitor the site for code compliance. The Special Condition No. 3 for the use permit stated:

3. This use shall not use more than seven (7) parking spaces at any time (P)

This special condition of approval was specifically place on this use permit so that the proposed rental car agency would not be allowed to use the remaining parking spaces in the shopping center which are allocated to other businesses in the center.

The on-going site monitoring by staff over the past six (6) months has been with mixed results. Of the twenty-eight (28) site monitoring visits conducted by staff since September 2007, the applicant was in compliance most of the time, however, on numerous occasions there was non-compliance. The applicant has stated that their clients are returning the rental car vehicles in the early morning before they are open, however, once the business is open the number of vehicles are reduced on-site to comply with code requirements. The applicant appears to be making every effort to comply with code requirements and staff has not received any complaints from the surrounding businesses in the shopping center during the past six months.

The applicant is also exploring the possibility of relocating the business into the Parktown Plaza Shopping Center. The applicant has contact CB Richard Ellis about the availability of space in the center and has contacted staff in regards to square footage and the parking requirements Staff will continue to work with the applicant regarding a new site location within Milpitas.

Since the applicant appears to making a “good faith effort” to comply with code requirements, staff recommends that the Planning Commission note receipt and file of this matter. Staff will report back to the Commission if any future issues and/or complaints are received regarding this business.

Recommendation:

Note receipt and file. Direct staff to report back to the Planning Commission if any future code or parking violations existing at the site as it relates to the Avis Rental Car business operations.